



4910-06-P

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Railroad Administration**

**[Docket No. FRA-2019-0004-N-5]**

### **Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks approval of the Information Collection Requests (ICRs) abstracted below. Before submitting these ICRs to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Interested persons are invited to submit comments on or before [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

**ADDRESSES:** Submit written comments on the ICRs activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped

postcard stating, “Comments on OMB Control Number 2130-XXXX,” (the relevant OMB control number for each ICR is listed below) and should also include the title of the ICR. Alternatively, comments may be faxed to (202) 493-6216 or (202) 493-6497, or emailed to Mr. Brogan at robert.brogan@dot.gov, or Ms. Toone at kim.toone@dot.gov. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: (202) 493-6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone: (202) 493-6132).

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days’ notice to the public to allow comment on information collection activities before seeking OMB approval of the activities. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. Specifically, FRA invites interested parties to comment on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information

being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology. See 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) reduce reporting burdens; (2) ensure that it organizes information collection requirements in a “user-friendly” format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: Designation of Qualified Persons.

OMB Control Number: 2130-0511.

Abstract: The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect freight cars for compliance and to determine restrictions on the movements of defective cars; qualified inspectors are necessary to perform this task.

Type of Request: Extension without change of a currently approved collection.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 692 Railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent <sup>1</sup>
215.11 – Designation of Inspectors – Written Records	692 railroads	1,200 records	2 minutes	40 hours	\$3,080

Total Estimated Annual Responses: 1,200.

Total Estimated Annual Burden: 40 hours.

Total Estimated Annual Dollar Cost Equivalent: \$3,080.

Title: Qualification and Certification of Locomotive Engineers.

OMB Control Number: 2130-0533.

Abstract: Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Pub. L. 100-342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by P. L. 103-272, 108 Stat. 874 (July 5, 1994), required FRA to issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

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<sup>1</sup> Throughout the tables in this document, the dollar equivalent cost is derived from the 2018 Association of American Railroads publication titled Railroad Facts (Employment and Annual Wages by Class) (p. 57) using the appropriate employee group to calculate the average hourly wage rate that includes 75 percent overhead charges.

Affected Public: Businesses.

Form(s): N/A.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion; annually; triennially.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
240.9 – Waivers	741 railroads	3 waiver petitions	90 minutes	5 hours	\$385
240.101/103 – Cert. Prog: Amendments – Cert. Prog. – New – Final Review – Material Modification to Program	741 railroads 5 railroads 5 railroads 741 railroads	50 amendments 5 programs 5 reviews 30 modified programs	1 hour 40 hours 1 hour 45 minutes	50 hours 200 hours 5 hours 23 hours	\$3,850 \$15,400 \$385 \$1,771
240.105(b) – (c) Written Reports/ Determinations of DSLE Performance Skills	10 railroads	10 reports	1 hour	10 hours	\$1,160
240.109/App. C – Prior Safety Conduct Data	17,667 candidates	25 responses	60 minutes	25 hours	\$1,900
240.111/AppC – Driver’s License Data – NDR Match – notifications and requests for data – Written response from candidate on driver’s license data	17,667 candidates 741 railroads 741 railroads	17,667 requests 177 notices + 177 requests 20 cases/comments	15 minutes 15 min. + 15 min. 30 minutes	4,417 hours 89 hours 10 hours	\$335,692 \$7,254 \$760
240.111(g) – Notice to RR of Absence of License	53,000 candidates	4 letters	15 minutes	1 hour	\$76
240.111(h) – Duty to furnish data on prior safety conduct as motor vehicle op.	741 railroads	200 phone calls	10 minutes	33 hours	\$2,508
240.113 – Notice to RR Furnishing Data on Prior Safety Conduct – Diff. RR	17,667 candidates	353 requests + 353 responses	15 min./30 min.	265 hours	\$20,298
240.119 – Self- referral to EAP re: active substance abuse disorder	53,000 locomotive engineers	150 self-referrals	5 minutes	13 hours	\$988

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
240.121 – Criteria – Vision/Hearing Acuity Data – New Railroads	5 railroads	5 copies	15 minutes	1 hour	\$77
240.121 – Criteria – Vision/Hearing Acuity Data – Cond. Certification	741 railroads	5 reports	1 hour	5 hours	\$385
240.121 – Criteria – Vision/Hearing Acuity Data - Not Meeting Standards – Notice by Employee	741 railroads	10 notifications	15 minutes	3 hours	\$228
240.127 – Criteria for Examining Skill Performance – Modification to Certification Program to Include Scoring System	741 railroads	11 amended programs + 180 amended programs	48 hours + 8 hours	1,968 hours	\$151,536
240.201/221 – List of Qualified DSLEs	741 railroads	741 updates	30 minutes	371 hours	28,567
240.201/221 – List of Qualified Loco. Engineers	741 railroads	741 updated lists	60 minutes	741 hours	\$57,057
240.201/223/301 – Loco. Engineers Certificate – False entry on certificates	53,000 candidates	17,667 certificates	5 minutes	1,472 hours	\$113,344
	N/A	N/A	N/A	N/A	N/A
240.205 – Data to EAP Counselor	741 railroads	177 records	5 minutes	15 hours	\$1,155
240.207 – Medical certificate showing hearing/vision standards are met: written determinations waiving use of corrective device	53,000 candidates	17,667 certificates	70 minutes	20,612 hours	\$1,587,124
	741 railroads	30 determinations	2 hours	60 hours	\$4,620
240.219 – Denial of Certification; Notification to employee of adverse decision	17,667 candidates	30 letters + 30 responses	1 hour	60 hours	\$4,590
	741 railroads	30 notifications	1 hour	30 hours	\$2,310
240.227 – Canadian Certification Data	N/A	N/A	N/A	NA/	N/A
240.229 – Joint Operations – Notice – not qualified	321 railroads	184 employee calls	5 minutes	15 hours	\$1,140
240.309 – RR Oversight Resp.: Detected poor safety conduct - annotation	15 railroads	6 annotations	15 minutes	2 hours	\$152

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
<b><u>Testing Requirements</u></b> 240.209/213 – Written Tests Records	53,000 candidates	17,667 test records	5 minutes	1,472 hours	\$111,872
240.211/213 – Performance Test Records	53,000 candidates	17,667 test records	5 minutes	1,472 hours	\$111,872
240.303 – Annual operational monitor observation records	53,000 candidates	53,000 test records.	5 minutes	4,417 hours	\$335,692
240.303 – Annual operating rules compliance test records	53,000 candidates	53,000 test records	5 minutes	4,417 hours	\$335,692
<b><u>Recordkeeping</u></b> 240.215 – Retaining info. supporting determination	741 railroads	17,667 records	30 minutes	8,834 hours	\$671,384
240.305 – Engineer's notice of non-qualification to RR – Relaying certification denial or revocation Status to other certifying railroad	53,000 engineers or candidates 1,060 engineers	100 notifications 2 letters	5 minutes 30 minutes	8 hours 1 hour	\$608 \$76
240.307 – Notice to engineer of disqualification	741 railroads	1,100 letters	1 hour	1,100 hours	\$84,700
240.309 – Railroad annual review – Report of findings	51 railroads 51 railroads	51 reviews 12 reports	40 hours 1 hour	2,040 hours 12 hours	\$157,080 \$924
TOTAL	741 railroads	217,059 responses	N/A	54,684 hours	\$4,158,412

Total Estimated Annual Responses: 217,059.

Total Estimated Annual Burden: 54,684 hours.

Total Estimated Annual Dollar Cost Equivalent: \$4,158,412.

Title: Roadway Worker Protection.

OMB Control Number: 2130-0539.

Abstract: On June 10, 2016, FRA amended its Roadway Worker Protection

(RWP) regulation (*see* 81 FR 37840) to resolve interpretative issues that had arisen since

the original 1996 promulgation of that rule. In particular, this final rule adopted certain terms, resolved miscellaneous interpretive issues, codified certain FRA Technical Bulletins, adopted new requirements governing redundant signal protections and the movement of roadway maintenance machinery over signalized non-controlled track, and amended certain qualification requirements for roadway workers. This final rule also deleted three outdated incorporations by reference of industry standards in FRA's Bridge Worker Safety Standards, and cross referenced the Occupational Safety and Health Administration's regulations on the same point.

Under the information collection associated with the RWP rule (49 CFR part 214), FRA collects a variety of information. To ensure compliance with the rule's requirements, FRA collects data on affected railroads' on-track safety programs to determine that railroads have policies, procedures, and practices in place that protect roadway workers as they go about doing their daily jobs in a dangerous environment. Railroads are required to provide on-track safety manuals to all roadway workers that they can readily consult as a guide when an issue arises as to how to complete a work assignment while maintaining complete safety. Under the regulation, railroads are required to provide initial and recurrent training to roadway workers on their on-track safety program and the procedures to be followed to perform their daily work assignments. This includes training for roadway workers who work on adjacent track and the appropriate practices and procedures they must follow. FRA collects data from railroads on training through the records that they are required to keep. Additionally, FRA collects information on violations of workplace safety on Form FRA F 6180.119. FRA uses violation information to make changes that endanger railroad workers.



Overall, FRA uses the information that it collects under this regulation to monitor and enforce requirements relating to the safety of roadway workers and ensure that railroads fulfill their responsibilities to make roadway workers environment secure and free from unnecessary and avoidable hazards.

Type of Request: Extension with change (revised estimates) of a currently approved collection.

Affected Public: Businesses/50,000 Roadway Workers/State Safety Inspectors.

Form(s): FRA F 6180.1119.

Respondent Universe: 741 Railroads.

Frequency of Submission: On occasion.

Reporting Burden:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Dollar Cost Equivalent
Form FRA F 6180.119 – Part 214 Railroad Workplace Safety Violation Report	350 Safety Inspectors	129 forms	4 hours	516 hours	\$31,579
214.307 – Railroad On-Track Safety Programs – RR Programs that comply with this Part + copies at System/Division Headquarters – RR Notification to FRA not less than one month before on-track safety program takes effect – RR Amended on-track safety programs after FRA disapproval – RR Written response in support of disapproved program	741 Railroads	276 programs + 325 copies	2 hours + 2 minutes	563 hours	\$43,351
	741 Railroads	276 notices	20 minutes	92 hours	\$7,084
	741 Railroads	1 program	4 hours	4 hours	\$308
	741 Railroads	1 written response	40 hours	40 hours	\$3,080
214.309 – On-Track Safety Manual – RR Provisions for alternative access to information in on-track safety manual – RR Publication of bulletins/notices reflecting changes in on-track safety manual	741 Railroads	741 provisions	60 minutes	741 hours	\$57,057
	60 Railroads	100 bulletins/notices	60 minutes	100 hours	\$7,700
214.311 – RR Written procedure to achieve prompt and equitable resolution of good faith employee challenges	5 new railroads	5 developed procedures	30 minutes	3 hours	\$231

214.313 – Good faith challenges to on-track safety rules	20 railroads	80 challenges	8 hours per challenge	640 hours	\$42,880
214.317 – On-Track Procedures for Snow Removal	5 Railroads	5 operating procedures	60 minutes	5 hours	\$385
– On-track procedures for weed spray equipment	741 Railroads	741 operating procedures	60 minutes	741 hours	\$57,057
– Roadway Worker in Charge (RWIC)	741 Railroads	25 place of safety designations	5 minutes	2 hours	\$134
Designation of alternative place of safety other than tunnel niche or clearing bay					
214.318 – Procedures established by railroads for workers to perform duties incidental to those of inspecting, testing, servicing, or repairing rolling equipment	741 Railroads	741 rules/ procedures	3 hours	2,223 hours	\$171,171
214.320 – Roadway Maintenance Machines Movement over signalized non-controlled track – RR request to FRA for equivalent level of protection to that provided by limiting all train and locomotive movements to restricted speed	741 Railroads	5 requests	4 hours	20 hours	\$1,540
214.322–Exclusive Track Occupancy, Electronic Display – Written Authorities/Printed Authority Copy If Electronic Display Fails or Malfunctions	3 Class I Railroads	1,000 written authorities	10 minutes	167 hours	\$11,189
– Data File Records Relating to Electronic Display Device Involved in Part 225 Reportable Accident/Incident	3 Class I Railroads	25 data file records	2 hours	50 hours	\$3,850
– Request to FRA for NIST Publication 800-63-2, “Electronic Authentication Guideline”	741 Railroads	3 requests + 3 copies	30 minutes + 2 minutes	2 hours	\$154
214.329 – Train Approach Warning – Written Designation of Watchmen/Lookouts	741 Railroads	26,250 designations	30 Seconds	219 hours	\$16,863
214.336 – Procedures for adjacent track movements over 25 mph: notifications/ watchmen/ lookout warnings	100 Railroads	10,000 notices	5 seconds	14 hours	\$938
– Procedures for adjacent track movements 25 mph or less: notifications/watchmen/ lookout warnings	100 Railroads	3,000 notices	15 seconds	13 hours	\$804
214.337 – On-track safety procedures for lone workers: statements by lone workers	741 Railroads	2,080,000 statements	30 seconds	17,333 hours	\$1,161,311
– Statement of on-track safety using individual train detection on track outside manual interlocking, a controlled point, or a remotely controlled hump yard facility	741 Railroads	200 on-track safety statements	30 seconds	2 hours	\$134
214.339 – Audible warning from trains: written procedures that prescribe effective requirements for audible warning by horn and/or bell for trains	44 Railroads	44 written procedures	13 hours	572 hours	\$44,044
214.343/345/347/349/351/353/355 – Annual training for all roadway workers (RWs)	50,000 roadway workers	50,000 records	2 minutes	1,667 hours	\$128,359
– Records of training					

214.503 – Notifications for Non-Compliant Roadway Maintenance Machines or Unsafe Condition – Resolution Procedures	50,000 roadway workers	125 notices	10 minutes	21 hours	\$1,407
	692 Railroads/ 200 contractors	5 procedures	2 hours	10 hours	\$770
214.505 – Required environmental control and protection systems for new on-track roadway maintenance machines with enclosed cabs – Designations/additions to list	741 Railroads/ 200 contractors	500 lists	1 hour	500 hours	\$38,500
	692 Railroads/ 200 contractors	150 additions/ designations	5 minutes	13 hours	\$1,001
214.507 – A-Built Light Weight on New Roadway Maintenance Machines	692 Railroads/ 200 contractors	1,000 stickers/ stencils	5 minutes	83 hours	\$5,063
214.511 – Required Audible Warning Devices for New On-Track Roadway Maintenance Machines	692 Railroads/ 200 contractors	3,700 identified mechanisms	5 minutes	308 hours	\$18,788
214.515 – Overhead covers for existing on-track roadway maintenance machines	692 railroads/ 200 contractors	500 requests + 500 responses	10 minutes; 20 minutes	250 hours	\$18,420
214.517 – Retrofitting of Existing On-Track Roadway Maintenance Machines Manufactured On or After Jan. 1, 1991	692 Railroads/ 200 contractors	500 stencils/ displays	5 minutes	42 hours	\$2,562
214.523 – Hi-Rail Vehicles – Non-complying conditions	692 railroads/ 200 contractors	5,000 records	60 minutes	5,000 hours	\$305,000
	692 railroads/ 200 contractors	500 tags + 500 reports	10 minutes + 15 minutes	208 hours	\$13,936
214.527 – Inspection for compliance; Repair schedules	692 railroads/ 200 contractors	550 tags + 550 reports	5 minutes + 15 minutes	183 hours	\$12,261
214.533 – Schedule of repairs; Subject to availability of parts	692 railroads/ 200 contractors	250 records	15 minutes	63 hours	\$4,851
TOTAL	741 railroads	2,188,306 responses	N/A	32,410 hours	\$1,207,732

Total Estimated Annual Responses: 2,188,306.

Total Estimated Annual Burden: 32,410 hours.

Total Estimated Annual Dollar Cost Equivalent: \$1,207,732.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501-3520.

**Brett A. Jortland,**  
Acting Chief Counsel.

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